

**SOCIAL SECURITY ADMINISTRATION
Office of Disability Adjudication and Review**

DECISION


IN THE CASE OF

Walter N. Iwachiw
(Claimant)

(Wage Earner)

CLAIM FOR

Supplemental Security Income


(Social Security Number)

JURISDICTION AND PROCEDURAL HISTORY

This case is before the undersigned on a request for hearing dated June 1, 2016 (20 CFR 416.1429 *et seq.*). The claimant appeared and testified at a hearing held on April 6, 2018, in Jamaica, New York. Bruce B. Martin, an impartial vocational expert, also appeared at the hearing. The claimant was represented by Adebola Omotasho, a non-attorney representative.

The undersigned developed the record in accordance with the holdings of the case law of the Second Circuit. Every reasonable effort was made to develop the medical history of this claimant. An Administrative Law Judge is under an affirmative obligation to develop a disability claimant's medical history and the undersigned has heretofore complied with the directive of the Second Circuit. The undersigned engaged the services of the above expert to review the pertinent portions of the record, listen to the testimony, and provide an assessment the claimant's vocational profile.

If the claimant wishes that written evidence be considered at the hearing, then the claimant must submit or inform the Administrative Law Judge about the evidence no later than five business days before the date of the scheduled hearing (20 CFR 416.1435(a)). Pursuant to 20 CFR 416.1435(b), if the claimant misses this deadline but submits or informs the Administrative Law Judge about written evidence before the hearing decision is issued, the Administrative Law Judge will accept the evidence if: (1) an action of the Social Security Administration misled the claimant; (2) the claimant had a physical, mental, educational, or linguistic limitation(s) that prevented submitting or informing the Administrative Law Judge about the evidence earlier, or (3) some other unusual, unexpected, or unavoidable circumstance beyond the claimant's control prevented the claimant from submitting or informing the Administrative Law Judge about the evidence earlier.

At the hearing Exhibits 1A-9F were entered into evidence without objection. The representative sought to introduce additional medical records into evidence. The undersigned inquired as to why the documents were being submitted within five business days prior to the hearing. The representative responded that his office had lost contact with the claimant and had not regained communication until the date of the hearing. The undersigned asked the representative to provide copies of the additional records, and decided that good cause had been shown, and that the documents would be admitted into the record as Exhibits 10F-14F. The undersigned made a



The claimant has been disabled under section 1614(a) (3) (A) of the Social Security Act since March 28, 2016, the date the application for supplemental security income was filed.

The component of the Social Security Administration responsible for authorizing supplemental security income will advise the claimant regarding the non-disability requirements for these payments and, if the claimant is eligible, the amount and the months for which payment will be made.

/s/ Robert R Schriver

Robert R. Schriver
Administrative Law Judge

June 14, 2018

Date